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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 17, 2003. As described below, Applicants believe all claims to be allowable over the cited reference. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Information Disclosure Statement (IDS)

Applicants submit an IDS with this Response for the Examiner's review and consideration. Applicants respectfully request that the Examiner formally indicate that the references were considered in the prosecution of the Application.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 7-9, 25, 31, and 40-42 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. However, these claims depend from independent Claims 1, 22, 28, and 34, respectively, which are allowable for the reasons discussed below. Therefore, Applicants respectfully submit that Claims 7-9, 25, 31, and 40-42 are allowable in their current form.

Claim Objections

The Examiner objects to Claims 10-12, 14-27, 32-33, 43-45, 50-52, and 55-59 for various informalities. Applicants have amended Claims 10, 13, 15, 22, 26, 32, 43, and 55 to correct the informalities pointed-out by the Examiner. Claims 17, 50, and 58 have been cancelled. Therefore, Applicants respectfully request that these objections be withdrawn.

Section 102 Rejections

Claims 1-3, 10-23, 26-29, 32-36, 43-56, and 58-59 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,266,343 issued to Caves ("Caves"). As Claims 17, 50, and 58 have been cancelled, the rejections with respect to those claims are considered moot. In order for a patent claim to be anticipated by prior art under §102, each and every element of that claim must be present in the cited art. For the reasons discussed

below, *Caves* fails to disclose each and every element of Claims 1-3, 10-16, 18-23, 26-29, 32-36, 43-49, 51-56, and 59.

Caves discloses a system in which traffic from one ATM network may be transmitted to another ATM network of a different type. (*Caves*, Col. 1; Lines 39-41). The traffic is segmented on egress from the first ATM network and is encapsulated for transport across the second ATM network so as to preserve the information structure of the traffic. (*Caves*, Abstract). Data packets from multiple users may be multiplexed into a single ATM connection. (*Caves*, Col. 2; Lines 7-8). For example, AAL1 packets (48 octets) are shortened to form a 45 octet AAL2 packet by concatenating one or two consecutive AAL1 packets. (*Caves*, Col. 4; Lines 16-22). The AAL1 segments are loaded into consecutive AAL 2 packets. (*Caves*, Col. 4; Lines 23-24). The segments are identified as belonging to a given source by a unique channel identifier value in the AAL2 header. (*Caves*, Col. 4; Lines 29-31).

Amended Independent Claims 1, 22, 28, and 34 are Allowable Over *Caves*

Independent Claim 1, as amended, of the present application recites the following:

A method for enabling communication between a plurality of telephony devices, comprising:
receiving incoming media packets from each telephony device;
dividing an incoming payload section of each incoming media packet into one or more data segments;
mixing the data segments from two or more of the telephony devices to create an aggregate data segment; and
constructing an outgoing payload section for one or more of the telephony devices by linking successively generated aggregate data segments.

Amended independent Claims 22, 28, and 34 recite similar, although not identical, claim limitations.

The Examiner states that *Caves* discloses all of the limitations of Claims 1, 22, 28, and 34. (Office Action mailed 9/17/03, pages 3-4, citing *Caves*, Col. 3; Lines 3-15 and Col. 4; Lines 13-31). However, *Caves* merely discloses that the payload of incoming data packets of one format may be segmented and concatenated, with the concatenated segments being

loaded into the payload section of consecutive packets of a second format. (*Caves*, Col. 4; Lines 19-24). *Caves* also discloses that a packet of the second format only carries segments of the first format coming from a single source. (*Caves*, Col. 4; Lines 26-29). Therefore, *Caves* fails to disclose mixing the data segments *from two or more of the telephony devices* to create an aggregate data segment, as recited in amended Claim 1, and similarly, although not identically, in amended Claims 22, 28, and 34.

Furthermore, *Cave* fails to disclose that the outgoing payload section is constructed by *linking successively generated aggregate data segments.* Assuming, for the sake of argument, that *Caves'* data segments are combined to form an "aggregate data segment," that aggregate data segment comprises the entire payload section of the packet. Therefore, the *Caves* payload is constructed of, at best, a single aggregate data segment, rather than being constructed by linking successively generated aggregate data segments, as recited in amended Claim 1, and similarly, although not identically, in amended Claims 22, 28, and 34.

For at least these reasons, amended Claims 1, 22, 28, and 34 are allowable over Caves. Therefore, Applicants respectfully request reconsideration and allowance of amended Claims 1, 22, 28, and 34, as well as all claims that depend from these claims.

Independent Claims 15, 48, and 55 are Allowable over *Caves*

Independent Claim 15, as amended, of the present application recites:

> A method for enabling payload size conversion, comprising:
> receiving incoming media packets from one or more devices;
> dividing a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section; and
> constructing an outgoing payload section for the one or more devices by linking a selected number of successive segments.

Amended independent Claims 48 and 55 recite similar, although not identical, limitations.

Amended independent Claim 15 incorporates the limitations of cancelled Claim 17. Amended independent Claim 48 incorporates the limitations of cancelled Claim 50.

Amended independent Claim 55 incorporates a limitation previously presented in Claim 58. With respect to Claims 17 and 50, now cancelled, and Claim 58, the Examiner indicated that *Caves* discloses "dividing a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section." (Office Action mailed 9/17/03, pages 4-5, citing *Caves*, Figures 2, 4 and Col. 4; Lines 13-31). However, *Caves* merely discloses that incoming packets of a first format are segmented <u>as required</u> to enable their formation into a packet of a second format. (*Caves*, Col. 4; Lines 16-19). Furthermore, while *Caves* discloses that a 48 octet packet payload of a first format may be divided into two equal size 24 octet payloads of a second format, no remainder segment is present. (*Caves*, Col. 4; Line 55 – Col. 5; Line 38). Therefore, *Caves* fails to disclose dividing a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section, as recited in amended Claims 15, 48, and 55.

Dependent Claims 2-3, 10-14, 16, 18-21, 23, 26-27, 29, 32-33, 35-36, 43-47, 49, 51-54, 56, and 59 are allowable over *Caves*

Dependent Claims 2-3, 10-14, 16, 18-21, 23, 26-27, 29, 32-33, 35-36, 43-47, 49, 51-54, 56, and 59 are allowable over *Caves* because they incorporate all of the limitations contained in their respective independent base Claims 1, 15, 22, 28, 34, 48, and 55, which have been shown to be allowable for the reasons discussed above. In addition, several dependent claims are allowable because they contain additional limitations not disclosed in *Caves*.

Claim 3 recites constructing an outgoing payload section for a telephony device *from which incoming media packets were not received* by linking a selected number of successively generated aggregate data segments appropriate for the telephony device. Claim 36 recites similar, although not identical, limitations. The Examiner states that *Caves* discloses this limitation. (Office Action mailed 9/17/03, pages 3-4, citing *Caves*, Col. 3; Lines 3-15 and Col. 4; Lines 13-31). In addition to the fact that *Caves* fails to disclose an outgoing payload constructed by linking successively generated aggregate data segments, as discussed above with respect to Claim 1, *Caves* also fails to disclose that outgoing payload sections are constructed for a telephony device *from which incoming media packets were not*

received. Caves discloses that the payload of a second format only carries segments of a first format from the same source (i.e., segments that were <u>received</u> from the same source). However, *Caves* is silent as to constructing an outgoing payload section for a telephony device from which incoming packets were not received.

For at least this additional reason, Claims 3 and 36 are allowable over *Caves*. Therefore, Applicants respectfully request reconsideration and allowance of Claims 3 and 36.

Claim 10, as amended, recites dividing a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section. Amended Claim 43 recites similar, although not identical, limitations. The Examiner states that *Caves* discloses this limitation. (Office Action mailed 9/17/03, pages 4-5, citing *Caves*, Figures 2, 4 and Col. 4; Lines 13-31). However, *Caves* merely discloses that incoming packets of a first format are segmented <u>as</u> <u>required</u> to enable their formation into a packet of a second format. (Caves, Col. 4; Lines 16-19). Furthermore, while *Caves* discloses that a 48 octet packet payload of a first format may be divided into two equal size 24 octet payloads of a second format, no remainder segment is present. (*Caves*, Col. 4; Line 55 – Col. 5; Line 38). Therefore, *Caves* fails to disclose dividing a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section, as recited in amended Claims 10 and 43.

For at least this additional reason, amended Claims 10 and 43 are allowable over *Cave*. Therefore, Applicants respectfully request reconsideration and allowance of amended Claims 10 and 43, as well as Claims 11-12 and 44-45, which depend from amended Claims 10 and 43, respectively.

Claim 13, as amended, recites constructing a first outgoing payload section for a telephony device by linking one or more full aggregate data segments and a portion of another aggregate data segment, leaving a remainder aggregate data segment. Claims 20, 46, and 53 recite similar, although not identical, limitations. The Examiner states that *Caves* discloses this limitation. (Office Action mailed 9/17/03, pages 4-5, citing *Caves*, Figures 2, 4

and Col. 4; Lines 13-31). As discussed above with reference to Claim 10, *Caves* merely discloses that incoming packets of a first format are segmented <u>as required</u> to enable their formation into a packet of a second format. (Caves, Col. 4; Lines 16-19). Therefore, *Caves* fails to disclose constructing a first outgoing payload section for a telephony device by linking *one or more full aggregate data segments and a portion of another aggregate data segment, leaving a remainder aggregate data segment*, as recited in amended Claim 13, and similarly, although not identically, in Claims 20, 46 (as amended), and 53.

For at least this additional reason, Claims 13, 20, 46, and 53 are allowable over *Cave*. Therefore, Applicants respectfully request reconsideration and allowance of Claims 13, 20, 46, and 53, as well as Claims 14, 21, 47, and 54, which depend from Claims 13, 20, 46, and 53, respectively.

Claim 23 recites "an input transcoder operable to convert data in the incoming payload sections into a common media format." Claims 29 and 56 recite similar, although not identical, limitations. The Examiner states that *Caves* discloses this limitation. (Office Action mailed 9/17/03, pages 4-5, citing *Caves*, Col. 3; Lines 3-15 and Col. 4; Lines 13-31). *Caves* merely discloses that user data packets may contain "compressed voice information" and "routine voice (or voice and data) packets." (Caves, Col. 3; Lines 3-22). However, *Caves* is silent as to whether or not the voice/data information is in a dissimilar format (or, for that matter, if the data is in a common format) such that there is a need to *convert* data in the incoming payload sections to a *common media format*, as recited in Claim 23, and similarly, although not identically, in Claims 29, and 56.

For at least this additional reason, Claims 23, 29, and 56 are allowable over *Cave*. Therefore, Applicants respectfully request reconsideration and allowance of Claims 23, 29, and 56, as well as Claims 24, 30, and 57, which depend from Claims 23, 29, and 56, respectively.

Claim 26, as amended, recites a payload segmenter operable to: (1) "divide a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section;" and (2) "divide a second payload section of a second incoming packet received after the first incoming packet

into a completion segment, one or more full segments of equal size, and a remainder segment." Claim 32, as amended, recites similar, although not identical, limitations. The Examiner states that *Caves* discloses this limitation. (Office Action mailed 9/17/03, pages 4-5, citing *Caves*, Figures 2, 4 and Col. 4; Lines 13-31). As discussed above with reference to Claim 10, *Caves* merely discloses that incoming packets of a first format are segmented <u>as required</u> to enable their formation into a packet of a second format. (Caves, Col. 4; Lines 16-19). Furthermore, while *Caves* discloses that a 48 octet packet payload of a first format may be divided into two equal size 24 octet payloads of a second format, no remainder segment is present. (*Caves*, Col. 4; Line 55 – Col. 5; Line 38). Therefore, *Caves* fails to disclose a segmenter operable to divide a first payload section of a first incoming packet into one or more full segments of equal size and a remainder segment containing the remainder of the first payload section, let alone a segmenter operable to divide a second payload section of a second incoming packet received after the first incoming packet into a completion segment, one or more full segments of equal size, and a remainder segment, as disclosed in amended Claim 26, and similarly, although not identically, in amended Claim 32.

For at least this additional reason, amended Claims 26 and 32 are allowable over *Cave*. Therefore, Applicants respectfully request reconsideration and allowance of amended claims 26 and 32 as well as Claims 27 and 33 which depend from amended Claims 26 and 32, respectively.

Section 103 Rejections

Claims 24, 30, and 57 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Caves*. Claims 4-6 and 37-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Caves* in view of U.S. Patent No. 6,351,471 issued to Robinett, et al. ("*Robinett*").

In order to establish a prima facie case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior

art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143.

With respect to Claims 24, 30, and 57, a *prima facie* case of obviousness cannot be maintained. Claims 24, 30, and 57 incorporate all of the limitations of amended independent Claims 22, 28, and 55, respectively, which have been shown above to be allowable because *Cave* fails to disclose all of the limitations of those claims. Furthermore, Claims 24, 30, and 57 also incorporate all of the limitations of dependent claims 23, 29, and 56, respectively, which have also been shown above to be allowable because *Cave* fails to disclose all of the limitations of those claims.

Therefore, because *Cave* fails to disclose all of the limitations of Claims 24, 30, and 57, those claims are allowable. Applicants respectfully request reconsideration and allowance of Claims 24, 30, and 57.

With respect to Claims 4-6 and 37-39, a *prima facie* case of obviousness cannot be maintained for at least two reasons. First, *Caves* and *Robinett*, whether considered alone or in combination, fail to teach or suggest all of the claim limitations found in Claims 4-6 and 37-39. Claims 4-6 and 37-39 incorporate all of the limitations of independent Claims 1 and 34, respectively, which have been shown above to be allowable because *Cave* fails to disclose all of the limitations of those claims. Therefore, because *Cave* fails to disclose all of the limitations of Claims 4-6 and 37-39, those claims are allowable. Furthermore, with respect to Claims 5 and 38, the Examiner indicates that *Robinett* discloses dividing a silence placeholder into one or more silence segments. (Office Action mailed 9/17/03, pages 6, citing *Robinett*, Col. 5; Lines 48-50, Col. 10; Lines 27-44). *Robinett* merely discloses that a "null packet" may be inserted into a transport packet timeslot to maintain a predetermined bit rate of the time slot until such time as data packets are available. (*Caves*, Col. 5; Lines 48-50, Col. 10; Lines 27-44). Assuming, for the sake of argument, that *Robinett's* "null packet" equates to a silence placeholder, *Robinett* fails to disclose that a silence placeholder *is divided into one or more silence segments*, as recited in Claim 5, and similarly, although not identically, in Claim 38.

Second, neither *Caves* nor *Robinett* suggests or motivates a combination of the references. In fact, *Robinett* teaches away from the present invention. Claims 4 and 37, upon which claims 5-6 and 38-39 depend, disclose, in part, "inserting one or more silence place holders to fill a time interval." *Robinett* specifically notes that "it is desirable to reduce the number of such bandwidth wasting null packets." (*Robinett*, Col. 39; Lines 62-64). In fact, *Robinett* is directed toward an invention that replaces null packets with data packets. (*Robinett*, Col. 39; Line 66 to Col. 40; Line 3). Consequently, while *Robinett* discloses that empty packets are sometimes found in data streams, the reference actually teaches away from inserting "silence place holders."

For at least these additional reasons, Claims 4-6 and 37-39 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 4-6 and 37-39, as well as all claims that may depend from the these claims.
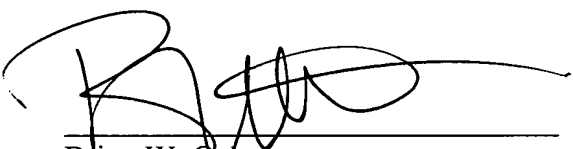
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CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

The required fee of $180.00 is submitted herewith for the IDS and is believed to be correct. However, if this is not correct the Commissioner is hereby authorized to charge additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker & Botts, L.L.P.

Respectfully submitted,

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